

**§ 3809.423**

**43 CFR Ch. II (10–1–06 Edition)**

as described in §§ 3809.600 through 3809.605 of this subpart.

[66 FR 54862, Oct. 30, 2001]

**§ 3809.423 How long does my plan of operations remain in effect?**

Your plan of operations remains in effect as long as you are conducting operations, unless BLM suspends or revokes your plan of operations for failure to comply with this subpart.

**§ 3809.424 What are my obligations if I stop conducting operations?**

(a) To see what you must do if you stop conducting operations, follow this table:

If—	Then—
(1) You stop conducting operations for any period of time.	(i) You must follow your approved interim management plan submitted under § 3809.401(b)(5); (ii) You must submit a modification to your interim management plan to BLM within 30 calendar days if it does not cover the circumstances of your temporary closure per § 3809.431(a); (iii) You must take all necessary actions to assure that unnecessary or undue degradation does not occur; and (iv) You must maintain an adequate financial guarantee.
(2) The period of non-operation is likely to cause unnecessary or undue degradation.	The BLM will require you to take all necessary actions to assure that unnecessary or undue degradation does not occur, including requiring you, after an extended period of non-operation for other than seasonal operations, to remove all structures, equipment, and other facilities and reclaim the project area.
(3) Your operations are inactive for 5 consecutive years.	BLM will review your operations and determine whether BLM should terminate your plan of operations and direct final reclamation and closure.
(4) BLM determines that you abandoned your operations.	BLM may initiate forfeiture under § 3809.595. If the amount of the financial guarantee is inadequate to cover the costs of reclamation, BLM may complete the reclamation, and the operator and all other responsible persons are liable for the costs of such reclamation. See § 3809.336(a) for indicators of abandonment.

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(b) Your reclamation and closure obligations continue until satisfied.

**MODIFICATIONS OF PLANS OF OPERATIONS**

**§ 3809.430 May I modify my plan of operations?**

Yes, you may request a modification of the plan at any time during operations under an approved plan of operations.

**§ 3809.431 When must I modify my plan of operations?**

You must modify your plan of operations when any of the following apply:

- (a) Before making any changes to the operations described in your approved plan of operations;
- (b) When BLM requires you to do so to prevent unnecessary or undue degradation; and
- (c) Before final closure, to address impacts from unanticipated events or conditions or newly discovered circumstances or information, including the following:

- (1) Development of acid or toxic drainage;
- (2) Loss of surface springs or water supplies;
- (3) The need for long-term water treatment and site maintenance;
- (4) Repair of reclamation failures;
- (5) Plans for assuring the adequacy of containment structures and the integrity of closed waste units;
- (6) Providing for post-closure management; and (7) Eliminating hazards to public safety.

**§ 3809.432 What process will BLM follow in reviewing a modification of my plan of operations?**

- (a) BLM will review and approve a modification of your plan of operations in the same manner as it reviewed and approved your initial plan under §§ 3809.401 through 3809.420; or
- (b) BLM will accept a minor modification without formal approval if it is consistent with the approved plan of operations and does not constitute a substantive change that requires additional analysis under the National Environmental Policy Act.

**§ 3809.433 Does this subpart apply to a new modification of my plan of operations?**

To see how this subpart applies to a modification of your plan of operations that you submit to BLM after January 20, 2001, refer to the following table.

If you have an approved plan of operations on January 20, 2001	Then—
(a) <i>New facility.</i> You subsequently propose to modify your plan of operations by constructing a new facility, such as waste rock repository, leach pad, impoundment, drill site, or road.	The plan contents requirements (§ 3809.401) and performance standards (§ 3809.420) of this subpart apply to the new facility. Those facilities and areas not included in the modification may continue to operate under the terms of your existing plan of operations.